

SENATE CHAMBER  
AUSTIN, TEXAS, Thursday, April 6, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—Senator Bell.

Absent—excused—Senators Bowers and Flanagan.

Prayer by the Chaplain.

On motion of Senator Gaines, the reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

President Campbell presented a petition from the citizens of Cherokee county. Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on State Affairs:

COMMITTEE ROOM,  
AUSTIN, April 4, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 216, entitled "An act to incorporate the town of Mount Pleasant, in Titus county," after careful consideration, instruct me to report the same back and recommend its passage, with the accompanying amendments.

Respectfully,

S. W. FORD,  
Chairman.

Amendments of Committee on State Affairs to House bill No. 216: Amend section four, line nine, by striking out the word "five" and inserting the word "one."

Amend section six, line six, by striking out the words "six months" and inserting the words "thirty days."

COMMITTEE ROOM,  
AUSTIN, April 4, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred

House bill No. 217, entitled "An act to incorporate the town of Dangerfield, in Titus county," after careful consideration, instruct me to report the same back and recommend its passage with the accompanying amendments.

Respectfully,

S. W. FORD,  
Chairman.

Amendments of Committee on State Affairs to House bill No. 217: Amend section four, line ten, by striking out the word "five" and inserting the word "one."

Amend section six, line six, by striking out the words "six months" and inserting the words "thirty days."

COMMITTEE ROOM,  
AUSTIN, April 4, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 164, entitled "An act to incorporate the town of Pittsburg, in Upshur county," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 4, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 244, entitled "An act to incorporate the town of Quitman, in Wood county," after careful consideration, instruct me to report the same back and recommend its passage without amendment.

Respectfully,

S. W. FORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 4, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 197, entitled "An act to incorporate the Bank of

Cleburne," after careful consideration, instruct me to report the same back and recommend its passage.

Respectfully,

S. W. FORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, April 4, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 35, entitled "An act to amend an act entitled 'an act to incorporate the city of Columbus, and for other purposes,' " after careful consideration, instruct me to report the same back and recommend the passage of the accompanying substitute therefor.

Respectfully,

S. W. FORD,  
Chairman.

Reports read and laid over under the rules.

On motion of Senator Tendick, the rules were suspended to consider the report of the Committee on State Affairs on Senate bill No. 35, "An act to amend an act entitled 'an act to incorporate the city of Columbus, and for other purposes.' " Senate bill No. 35 read second time.

On motion of Senator Tendick, the following substitute, reported by the committee, was adopted :

Substitute for Senate bill No. 35, "An act to amend an act entitled 'an act to incorporate the city of Columbus, and for other purposes.' "

Substitute Senate bill No 35 ordered engrossed and passed to a third reading.

On motion of Senator Gaines, the rules were further suspended, and substitute for Senate bill No. 35 read third time and passed.

Report of Committee on Public Lands :

COMMITTEE ROOM,  
AUSTIN, April 6, 1871.

Hon. DON CAMPBELL.

President of the Senate :

SIR: Your Committee on Public Lands, to whom was referred House bill No. 186, entitled "An act amendatory and explanatory of 'an act to regulate the disposal of the public lands of the State of Texas,' approved August 12, 1870," have considered the same, and the committee having learned that a similar Senate bill is now before the Judiciary Committee of the Senate, have instructed me

to report the House bill back to the Senate, and recommend its reference to the Committee on Judiciary.

B. J. PRIDGEN,  
Chairman.

On motion of Senator Pridgen, the rules were suspended to consider the report; and on further motion the report was adopted, and House bill No. 186, "An act amendatory and explanatory of 'an act to regulate the disposal of the public lands of the State of Texas,' approved August 12, 1870," referred to the Committee on Judiciary.

Reports of Committee on Enrolled Bills:

COMMITTEE ROOM.  
AUSTIN, April 5, 1871.

Hon. DON CAMPBELL,  
President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 247, entitled "An act to provide for the release of children or other persons, citizens of the State of Texas, who are, have been, or may hereafter be held as captives by the Indians;" and Senate bill No. 224, entitled "An act to incorporate the Henderson Male and Female College, in Rusk county;" and Senate bill No. 28, entitled "An act to provide for the employment of private clerks for the judges of the Supreme Court;" and Senate bill No. 165, entitled "An act to incorporate the Tyler Real Estate and Banking Association;" also, Senate joint resolution No. 23, "Asking the Congress of the United States to pass an act giving a pension to the widow and minor children of Captain William W. Montgomery," and to-day, at 12 o'clock M., presented them to the Governor for his approval.

B. J. PRIDGEN,  
Chairman.

Report read and received.

### BILLS AND RESOLUTIONS.

By Senator Gaines, a bill (Senate bill No. 325) to be entitled "An act defining the rights of hotel keepers and boarding houses." Read first time and referred to the Judiciary Committee.

By Senator Gaines, a bill (Senate bill No. 326) to be entitled "An act making it a penal offense for persons leaving hotels without settling their bills." Read first time and referred to the Committee on Judiciary.

By Senator Ruby, a bill (Senate bill No. 327) to be entitled "An act to change the mode of compensation to the members of the Legis-

lature of the State of Texas." Read first time and referred to the Committee on Judiciary.

### BILLS ON THEIR THIRD READING.

House joint resolution No. 9, "Joint resolution requiring the Comptroller of Public Accounts to draw his warrant, or warrants, on the Treasurer, to pay the salary of the Assistant Attorney General."

Senator Pickett moved that the joint resolution be indefinitely postponed, as a bill embodying the same subject matter had already been passed and become law.

Motion carried, and House joint resolution No. 9 indefinitely postponed.

Senator Douglass offered the following resolution, which was adopted :

*Resolved*, That the Committee on Contingent Expenses be, and are hereby, instructed to dispense with the use of all rooms rented by order of the Senate for the use of committees.

House bill No. 149, "An act to incorporate the Bryan Bridge Company, and allow them certain privileges therein named." Read third time, passed and returned to the House with the action of the Senate.

Senator Ruby presented the following report from the Committee on Engrossed Bills :

COMMITTEE ROOM,  
AUSTIN, April 6, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills having examined and compared Senate bills No. 254, "An act to incorporate the Texas Dental College;" No. 293 "An act to incorporate the Marshall Female College," and Senate substitute to House bill No. 47, "An act supplemental to and amendatory of 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, A. D. 1870," find the same to be correctly engrossed.

G. T. RUBY,  
E. L. DOHONEY,  
P. W. HALL.

Report read and received.

The Secretary carried to the House for concurrence Senate bills Nos. 254, 293 and Senate substitute for House bill No. 47.

Senator Gaines moved that the report of the Committee on Privileges and Elections on the Senatorial election in Cherokee county be made the special order for to-morrow at 11 A. M.

Senator Dillard rose to a question of privilege, and stated that certain evidence which had been submitted to the Committee on Privileges and elections, in said case, had been lost or mislaid, and asked that the consideration of the matter be postponed until the evidence could be reproduced.

Question being on the adoption of the motion of Senator Gaines, the yeas and nays were called for, and motion carried by the following vote:

Yeas—Mr. President, Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Mills, Pettit, Rawson, Ruby, Tendick—13.

Nays—Broughton, Cole, Dillard, Dohoney, Douglass, Evans Latimer, Parsons, Pickett, Pyle, Saylor, Shannon—12.

Senator Dohoney offered the following resolution:

*Resolved*, That a select committee of three be appointed to inquire into and ascertain the facts in reference to the evidence which has been lost in the case of the Hon. J. E. Dillard, Senator from the Third Senatorial District, and report the same to the Senate.

Senator Fountain offered the following amendment, which was adopted: "That said committee be authorized to send for persons, and to administer oaths, and that the committee proceed without delay to make their investigations."

The question recurring upon the adoption of the resolution, it was adopted as amended.

The chair appointed on said committee Senators Dohoney, Ruby and Ford.

Message from the House by the Chief Clerk, transmitting for concurrence the following House bills:

House bill No. 125, "An act to amend an act entitled 'an act to incorporate the Galveston City Company,' approved February 5, 1841."

House bill No. 263, "An act to organize and incorporate the Galveston, Jefferson and Saint Louis Railroad Company."

House bill No. 280, "An act to incorporate the West Fork Male and Female College."

House bill No. 332, "An act to incorporate the town of Henderson, in the county of Rusk."

House bill No. 519, "An act authorizing the County Court of Kerr county to levy a special tax."

Also, for signature, the following enrolled House bills:

House bill No. 203, "An act to incorporate the Indianola City Railroad Company."

House bill No. 389, "An act to incorporate the Indianola, San Antonio and El Paso Railroad Company."

House bill No. 180, "An act to authorize Car Forrest to erect a toll bridge over Chambers creek, in Ellis county, Texas."

House bill No. 56, "An act for the relief of Henry Koontz."

Enrolled bills signed by the President and returned to the House.

Under direction of the President the Secretary returned to the House the following House bills, informing the House that the Senate had passed the same without amendments:

House bill No. 48, "An act granting to Robert Fitzhugh and others authority to build a bridge across the east fork of the Trinity river."

House bill No. 75, "An act to authorize G. W. B. T. Davis to erect a toll bridge over Pin Oak creek, in Navarro county."

House bill No. 362, "An act authorizing Julius N. Garret to erect a toll bridge over the flat fork of Tennaha, in the county of Shelby."

House bill No. 30, "An act to amend an act entitled 'an act to provide for the enrollment of the militia, the organization and discipline of the State guard, and for the public defense.'"

Also, for signature of the Speaker the following enrolled bills:

Senate bill No. 201, "An act to authorize the County Court of Robertson county to levy and collect a special tax for the term of two years to build a court house and jail at Calvert, the county seat of said county."

Senate bill No. 250, "An act to authorize Henry W. Jones, his associates and successors, to construct, own and keep a toll bridge on sulphur fork of Red River."

Enrolled bills signed by the Speaker, returned to the Senate and signed by the President.

By leave, Senator Cole presented the following report, from the Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,  
AUSTIN, April 4, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 340, "An act to incorporate the Bosque Bridge and Manufacturing Company, of McLennan county," have carefully considered the same, and beg leave to report it back and recommend that it do pass. All of which is most respectfully submitted.

J. G. BELL,  
by D. W. COLE,  
for Committee.

Report read and laid over under the rules.

## BILLS ON THIRD READING—Resumed.

House bill No. 208, "An act to incorporate the Little Brazos River Bridge Company." Read third time.

On motion of Senator Ford, House bill No. 208 was made special order for to-morrow at 12 o'clock M.

On motion of Senator Dohoney, the rules were suspended to take from file House bill No. 267, "An act in relation to the Atlantic and Pacific Railroad Company." Read third time, and on motion of Senator Mills, House bill No. 267 was made special order for Tuesday next at 11 o'clock A. M.

## BILLS ON THIRD READING—Resumed.

House bill No. 67, "An act making an appropriation for the payment of the salaries of the officers of the State Penitentiary, now unpaid, and other purposes." Read third time, passed by the following vote and returned to the House :

Yeas—Mr. President, Baker, Cole, Dillard, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor, Tendick—20.

Nays—Broughton, Dohoney, Douglass, Evans, Pickett, Shannon—6.

By leave, Senator Gaines introduced the following resolution :

*Resolved*, That the Sergeant-at-Arms be and he is instructed to procure for each member of the Senate one copy of the Senate and House Journals of last session bound in morocco, and their names printed thereon.

Senator Mills moved to refer the resolution to the Committee on Retrenchment and Reform.

Senator Pickett moved to lay the resolution upon the table, upon which motion the yeas and nays were called for and motion to lay upon the table carried by the following vote :

Yeas—Broughton, Cole, Dillard, Dohoney, Douglass, Evans, Hertzberg, Hillebrand, Latimer, Mills, Pickett, Pridgen, Pyle, Saylor, Shannon—15.

Nays—Mr. President, Baker, Ford, Fountain, Gaines, Hall, Parsons, Pettit, Rawson, Ruby, Tendick—11.

The following House bills were taken from file, read first time and referred as follows :

To the Committee on State Affairs :

House bill No. 125, "An act to amend an act entitled 'an act to incorporate the Galveston City Company.' Approved February 15, 1841."



House bill No. 332, "An act to incorporate the town of Henderson, in the county of Rusk."

To the Committee on Internal Improvements: House bill No. 263, "An act to organize and incorporate the Galveston, Jefferson and Saint Louis Railroad Company."

To the Committee on Judiciary: House bill No. 519, "An act authorizing the County Court of Kerr county to levy a special tax."

To the Committee on Education: House bill No. 280, "An act to incorporate the West Fork Male and Female College."

#### BILLS ON THIRD READING—Resumed.

House bill No. 23, "An act to amend 'an act granting to James L. Tarver the privilege of constructing a ferry across Big Cypress,' approved October 1, 1866." Read third time and passed and returned to the House.

House bill No. 21, "An act to incorporate the Mission Valley Pontoon Bridge Company." Read third time and passed

#### HOUSE BILLS ON SECOND READING.

House bill No. 14, "An act to incorporate the Casino Society of Victoria." Read second time.

On motion of Senator Pridgen, the following amendments reported by the Committee on State Affairs were adopted: Amend by striking out section two.

Amend by changing the numbers of sections three and four to two and three.

On motion of Senator Pridgen, the rules were suspended and House bill No. 14 read third time and passed.

House bill No. 20, "An act to incorporate the Casino Society of Indianola." Read second time.

On motion of Senator Pridgen, the rules were suspended, and House bill No. 20 read third time and passed.

House joint resolution No. 10, "Authorizing the Secretary of State to present one Winchester carbine to each of the persons who overtook and killed four of a band of hostile Indians." Read second time.

On motion of Senator Saylor, the rules were suspended, and House joint resolution No. 10 read third time, and passed by the following vote:

Yeas—Mr. President, Baker, Dohoney, Douglas, Evans, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Parsons,

Pickett, Pridgen, Pyle, Rawson, Ruby, Saylor, Shannon, Tendick—21.

Nays—None.

House bill No. 464, "An act for the relief of William Scanlan, late assessor and collector of Cameron county, Texas," read second time.

On motion the rules were suspended, and House bill No. 464 read third time and passed by the following vote:

Yeas—Mr. President, Baker, Dillard, Dohoney, Douglass, Ford, Fountain, Gaines, Hall, Hillebrand, Latimer, Parsons, Pyle, Rawson, Ruby—15.

Nays—Evans, Mills, Pickett, Pridgen, Saylor, Shannon, Tendick—7.

On motion of Senator Dohoney, the use of the Senate Chamber was granted, for to-morrow evening, to Prof. White, for the purpose of delivering a lecture upon spiritualism.

On motion of Senator Parsons, the Senate, at 12:26 P. M., adjourned to 10 A. M. to-morrow.

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